

REMARKS:

AMENDMENTS TO THE CLAIMS

To expedite prosecution, the Applicant has amended claim 8 to depend from claim 7. The Applicant submits that this amendment merely corrects a minor typographical error. As such, the amendment merely makes explicit that which was implicit in claim 8 as filed. To further expedite prosecution, the Applicant has amended claims 29 and 31 to remove references to active material and amended claim 20 to recite that the surface is reactive rather than inert.

RESTRICTION REQUIREMENT

The Applicant appreciates the Examiner's withdrawal of the restriction requirement between claims 1-23 and claims 24-28. The Applicant submits that in light of the amendments to claims 29 and 31, claims 29-31 no longer recite an active material. As such, the Applicant respectfully requests reconsideration of the requirement and rejoinder of claims 29-31.

CLAIM REJECTIONS

35 USC 112

Claim 20 was rejected under 35 USC 112, second paragraph as being indefinite. In rejecting the claim, the Examiner states it is unclear if the metal or metal oxide should provide an active surface since the non-reactive metal or metal oxide provides an inert surface. To expedite prosecution, the Applicant has amended claim 20 to recite that the surface in question is reactive. Support for this feature can be found in the specification at page 3, lines 23-25. Furthermore, the Applicant submits that this amendment merely makes explicit that which was implicit in claim 20 as originally filed. As such, no new matter has been entered and no limitation of claim 20 has been narrowed within the meaning of the decision in *Festo*.

35 USC 102

Claims 1, 2, 9, 10, 12, 17 and 19-23 were rejected under 35 USC 102(b) as being anticipated by Chem. Comm., 2000, p1063-1064 to Huang et al. (hereinafter Huang). In rejecting the claims the Examiner states that Huang discloses a nanostructured apparatus comprising a mesoporous template having a network of regularly-spaced pores, wherein the pores have diameters of 5-6 nm. The Examiner argues that Huang also discloses a layer of Ag nanowires coated on the walls of the pores to a substantially uniform thickness.

Claims 1, 2, 7, 11-13, 17-26 and 28 were rejected under 35 USC 102(e) as being as being anticipated by US Patent Application Publication 2005/005874 to Xiao et al. (hereinafter Xiao).

In rejecting the claims, the Examiner states that Xiao discloses a nanostructured apparatus having a network of regularly-spaced pores formed by the first periodic structure, wherein the pores have diameters of 1 nm – 100 nm. The Examiner argues that Xiao discloses that the pores are filed with a second periodic structure made of a semiconductor material of substantially uniform thickness, that the first and second periodic structures are made of semiconducting materials, and that the material filling the pores may be an inorganic compound or a mixture of inorganic compounds, including semiconductive material or metal oxides.

The Applicant respectfully traverses the rejections. Neither Xiao nor Huang teaches *coating* the walls of the pores as recited in claims 1 and 24. The Applicant submits that coating the pore walls is different from filling the pores. In support of this, the Applicant notes that coating and filling have been used as separate terms in the description (see e.g., page 1, lines 25-26 and page 3, lines 21-22). The Applicant submits that Xiao and Huang do not teach or suggest such a feature. Instead, as the Examiner points out, Xiao teaches that the pores are *filled* with a second periodic structure made of semiconductor material (page 2, paragraph [0016]). Similarly, Huang teaches complete filling of mesopores within SBA-15 with Ag nanowires (see, e.g., abstract and p. 1064, 1st column, 3rd full paragraph). The Applicant notes that Huang associates incomplete filling of the pores with formation spherical Ag particles and not with coating the walls of the pores.

For the reasons set forth above, the applicants submit that neither Huang nor Xiao anticipates claims 1 and 24 and that these independent claims define an invention suitable for patent protection. Furthermore dependent claims 2-23 and 25-28 depend respectively from claims 1 and 24 and recite additional features therefor. As such, and for the same reasons set forth above the Applicant submits that these dependent claims define an invention suitable for patent protection.

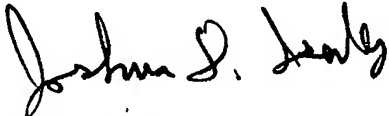
ALLOWABLE SUBJECT MATTER

The Applicant appreciates the Examiner's indication of allowable subject matter in claims 3-6, 8, 14-16 and 27.

CONCLUSION

For the reasons set forth above, the Applicants submit that all claims are allowable over the cited art and define an invention suitable for patent protection. The Applicants therefore respectfully request that the Examiner enter the amendment, reconsider the application, and issue a Notice of Allowance in the next Office Action.

Respectfully submitted,



Joshua D. Isenberg
Reg. No. 41,088
Patent Attorney

Date: June 17, 2005

JDI PATENT
204 Castro Lane
Fremont, CA 94539
tel.: (510) 896-8328
fax.: (510) 360-9656